

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
APRIL 7, 2014

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on April 7, 2014, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, Dietrich, Hunt, Keen, Thomas, and VanBogaert.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Facilities Director Clark, Police Chief Dombkowski, Street Commissioner Downey, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Parks Superintendent Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the February 27, 2014, Pre-Council Meeting, and the March 3, 2014, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder reported on the road work to be done in the coming months in the City. He provided a list of projects, including work on portions of Salisbury Street, Happy Hollow Road, Cumberland Avenue, the Cattail Trail Extension, the Cumberland Avenue Sanitary Sewer extension, pedestrian-activated crossing flashers at LaGrange and Salisbury Streets and Tapawingo Drive near Wabash Landing, tree planting along US 231, and various street resurfacing projects. Purdue will be working on a Stadium Avenue utility tunnel. INDOT will be resurfacing Sagamore Parkway from Cumberland Avenue to the Wabash River Bridge.

Mayor Dennis stated that it will be a very busy construction season and he noted that detours are posted on the City's website.

WWTU FY2013 Annual Report – Jim Treat

Jim Treat (O.W. Krohn & Associates) made a presentation to the Council of the annual financial review of the Wastewater Utility. He began with the Statements of Net Position in the 2013 Annual Financial Management Report document provided to the Council. He explained that this is the balance sheet at the end of the year which shows what kind of cash, restricted and unrestricted, is in the bank at the end of the year, investments, capital assets, and obligations. Big changes include money spent out of the Improvement Fund, which were planned expenditures for various projects. The Capital Asset section shows where the Utility has made ongoing investments, including increases related to the new aeration tank and sewer improvements. Mr. Treat stated that on the debt side, which is primarily from the State Revolving Fund (SRF) Loan Program, there were a couple of notable changes in the year. One is that we were able to refund three of our oldest SRF bonds, reducing the debt service payments by approximately \$526,000, making this a good deal for the City. Mr. Treat moved on

to discuss revenues, expenses, and changes. The revenues stayed stable; there was no significant growth but revenues were also not lost. One change under revenues is the sanitation trash fees due to the increased trash fees implemented in the middle of last year. The increase will eliminate the previous need to subsidize the fees with Wastewater funds. He noted that under operating expenses there was hardly any change from 2012 to 2013, and WWTU Director Henderson and his staff is doing a great job at keeping those costs from dramatically increasing and avoiding user rate increases. In the non-operating section, one new item is to show bond issue expenses. Those were from the refunding bonds, and he clarified that the refunding bonds pay for themselves with the professional fees and expenses included. The only reason they are shown is that there has been a change in the accounting requirements; they used to be capitalized and written off over the term of the bonds, but now it needs to be expensed in the year incurred. The net income is similarly stable. Mr. Treat then spoke about the breakdown of the Operating Expense schedule, highlighting the budget comparison of \$4,851,809 budgeted to the expenses of \$4,837,544; he does not believe Director Henderson could get much closer than that. He noted that the debt repayment schedules are included in the report. He told the Council that he would likely be bringing a new SRF bond ordinance before the Council next month due to SRF money becoming available that can be applied to two lift stations that are already in the long-term budget for the Utility. He noted that all of the projections and bond coverage numbers all include a provision for debt payments for the bond, so it is something that the Utility can afford. Mr. Treat moved on to highlight a chart that compares the Utility's rates to those of similar sized cities and utilities in the area and shows how competitive the rates are. There are only four area communities with lower rates. He noted that West Lafayette rates have not been adjusted since 2006 and the Utility is still holding and working with those rates, which he believes is positive information to share. Lastly, Mr. Treat spoke about the comparison of budgeted and actual revenues. The revenue sections shows on-target amounts with approximately \$9.4 million for both budget and actual. It shows that in 2014 there is an expected sizeable increase between the full year of sanitation fees and the new storm water fees. With those revenues compared to the budgeted revenue requirements for 2014, it shows sufficient revenues to cover the requirements with a small cushion. That cushion has not been there the last couple of years due to the capital projects. The bond coverage calculation shows the relationship between the pledged revenues and the debt payments. The bond coverage ratio was 145% in 2013. Even with the issuance of two new bond issues in 2014, it is expected to increase to 172% with the addition of the new revenues. This means the Utility is in a position to continue to do projects and support operations with the current rates.

Councilor VanBogaert asked if the Payment in Lieu of Taxes (PILOT) is fixed or if it is something that will adjust up at some point.

Mr. Treat responded that it may it is something that should be looked at for the 2015 budget with updated calculations.

Clerk-Treasurer Rhodes explained that that amount has been kept stable in order to ensure the Utility would be able to take on the capital projects that have queued at a rapid pace.

PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

PURDUE RELATIONS

Councilor VanBogaert reported on events at Purdue University.

Councilor Dietrich noted that today is the beginning of Graduate Student Appreciation Week.

Mayor Dennis reported that this Saturday is the Purdue Challenge 5k run for cancer.

PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

Councilor Bunder stated that he has an observation about the new GE Aviation plant. The announcement was made at a Purdue, or West Lafayette, airport hangar, and one of the items touted was the relationship between Purdue and GE. He asked if we were ever in the running for that plant, and if that is something we do or Purdue Research Foundation (PRF) does.

Mayor Dennis responded that not insofar as the actual location of the plant, but we were involved insofar as the greater good and quality of life aspect. He explained that GE looked at the entire community as a whole.

Councilor Bunder asked if we would ever seek a factory in the land that is PRF.

Mayor Dennis responded that we would not for the type that uses smoke stacks. The zoning at this time would not really support that. He stated that it gets back to the reason we did the annexation, and in interaction with the citizenry, that is not specifically what they would like to see. We have talked about the gateway and making sure that we have a strong voice in what we would like to see out that way.

Councilor Bunder stated that it is good for Lafayette, but we are a place that has a problem with property tax and property tax caps, and it was suggested to him that there ought to be a question about whether we would do that in the future.

Mayor Dennis stated that to that eventual goal, we are too. Developers look at various factors in a community, and there are some items that West Lafayette is wired for and some items we are just not. He stated that right now we are in our second incipency; we are building another City compared to what we once were. There are some things we are good at while others we will get better at down the road. He stated that he believes one of the attractive points of this area is that we have two unique communities that, when needed, come together as one.

Councilor VanBogaert stated that we have a unique relationship with the University because it makes up such a large portion of our employment, and the income that ends up in the economy locally. Lafayette has a similar issue, where there are several very large corporations. When a large operation is put into a town—Lafayette does not have quite the same amount of sway, but if you put a large operation like that in West Lafayette, where we maybe do not have the size to absorb the influence that plant would have, in the management of our community more generally, and you get really exposed to the employment that is in that particular operation—you don't want to say that it won't survive but in the event that it were to change or shift its employment levels, we would be more exposed to that than Lafayette would be.

PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

BUDGET AND FINANCE

Councilor Dietrich stated that it is that time of year again, but Clerk-Treasurer Rhodes has asked that they tread water for a bit to wait for some calculations on the cap to come through.

Mayor Dennis stated that he has had conversations with the department heads and they are starting to get some conceptual ideas about their 2015 budgets.

REPORT OF APC REPRESENTATIVE

Councilor Keen stated that he would like to bring awareness that the Ordinance Committee with the Area Plan Commission (APC) has begun deliberations or discussions on the planned development process as far as planning goes. He invited anyone who is interested in hearing those discussions and the proposed changes to the process to come to any of the Ordinance Committee meetings the first Wednesday of the month. He believes there is a mockup of some of the proposed changes on the County website. He stated that it will definitely impact West Lafayette in a big way.

Mayor Dennis stated that he would advocate that because we do so much with planned development.

Councilor Dietrich expressed concern about the encroachment on the proliferation of the large political signs seen on campus and stated that we are getting no direction from APC. He asked if we have to get our guidance in this case from APC or if we can strike out on our own looking at what we want in our own City. He asked if there is anything we have on the books now that can be applied to reel them in a bit. He is concerned that if they take one more step and get larger we will have complete billboards in people's yards. He believes we need to get a handle on this now.

Councilor VanBogaert stated that, unfortunately, political signage does not apply to our existing zoning. It is protected.

City Attorney Burns explained that the First Amendment has protections; however, there are things that could be done. It has to be content-neutral. He understands that if you see 4x8 signs in a 10x12 yard that it becomes a bit different. He knows that the APC has, in the past, sent out notices to the various governmental entities and given them the guidelines and the prohibitions such as to stay out of the right of way and avoid blocking intersections. It is an issue we can look at. It has to be carefully tailored to ensure we are not trying to control content, but controlling the size of the signs and things of that nature.

Councilor Dietrich stated that he is certainly all for free speech, but he knows that entities have the right to control time and place also. He believes that the message can be same, but the size should be something we have control over.

City Attorney Burns stated that it could certainly be part of the continuing sign conversation that is ongoing with the City and within the APC.

Councilor Dietrich asked if it would be quicker to do something on our own than to wait for APC to come with us.

City Attorney Burns responded that it is more likely than not.

Councilor Hunt stated that there will be a proliferation the next few days due to the upcoming Primary Election Day.

Mayor Dennis stated that this comes up nearly every election cycle. This year is a little different due to the larger signs being placed in smaller yards. When speaking to APC, they acknowledge that it is an eyesore, but they are as guarded about doing anything in regards to the First Amendment as anybody.

Councilor Dietrich stated that it does not concern him at all to tell someone that they can say what they want to say but that it must be done on a 4x4 sign as opposed to a 4x8 sign. He asked if he is hearing correctly that we have no ability to control the size of the political signs on our City.

Councilor VanBogaert responded that the Supreme Court would say that the size of the sign is an element of the speech that is occurring there. He believes that given the expansion of how the First Amendment is being treated towards political speech lately, that it is something that other Courts are going to find. He stated that even if we felt that it was meritorious idea, he is hesitant because it is something where people are more bold in trying to go to court over than perhaps the commercial signs. Even if we were to prevail, we would not necessarily get our costs back on having to go through that situation.

Councilor Hunt stated that she is concerned about people who put things in the right of way. She asked if that is something we can police.

City Attorney Burns responded that it is, and he believes it does get done. If there is a situation where there is blocked vision, those signs will be taken down by the police. It is the same with the right of way, and he knows that the Street Department has taken down signs that impede the sidewalk. However, this is not so much those problems as the size creep.

Councilor Bunder asked if we can jawbone the candidates or if there could not be a gentleman's agreement among the candidates as to the size of the signs.

City Attorney Burns stated that he is aware of letters in the past that have gone from the Cities to the two parties' chairs requesting their assistance. He believes that most candidates are susceptible to bad press. So if there is irritation over gigantic signs, the candidate would think twice if they knew there would be heat given in the form of a Council meeting or perhaps a letter to the editor. It is not a legal requirement but a practical reality that candidates are sensitive about adverse publicity.

SPECIAL REPORTS: None

PUBLIC RELATIONS:

Mayor Dennis noted that Boy Scout Troop 338 is in attendance.

FINANCIAL REPORT

Clerk-Treasurer Rhodes stated that, as Councilor Dietrich mentioned, we will begin budget kickoff with a review of our financial position and we are waiting to get the circuit breaker reports from the Department of Local Government Finance (DLGF). The County Auditor has run the abstract, and as soon as we get those numbers, which have a material effect on our City's financial position, we will have a review. That will begin the process of looking forward to target cash balances and plans for the coming year. By May 1, we anticipate bringing our new general

ledger live on the new accounting system, and then begin the process of rolling out a series of modules which will provide management capabilities for the Council and other boards of the City. It will be the beginning of a whole new financial system for the City.

LEGAL REPORT

City Attorney Burns stated that this report is on file. He noted that the Lutz Street fire is still under investigation by the State and we have not yet received results from them. He confirmed for Councilor Bunder that we do not have anything from the attorney hired to handle this case due to the need to wait on those results.

Councilor Bunder asked if there is any other administrative inquiry regarding our own presentation of paperwork.

City Attorney Burns responded that the Department looked at their procedures about they keep records and keep up with the various notice that need to go out in terms of any kind of violations or inspections.

Councilor Bunder asked if that is also something the attorney would look at as we go forward.

City Attorney Burns responded that he is sure that if there is any kind of lack that it would be identified by the attorney and help to resolve it.

Councilor Dietrich asked if the results are anticipated to be a public document.

Fire Chief Heath confirmed for City Attorney Burns that a State Fire Marshall's complete report is a public document.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 02-14 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana Approving Certain Matters In Connection With The Formation Of A Certain Economic Development Area (West Lafayette 231 Purdue Economic Development Plan) (Sponsored by Mayor John R. Dennis)

Mayor Dennis read Resolution No. 02-14 by title only.

Councilor Keen moved for passage of Resolution No. 02-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Director of Development Poole stated that he is requesting approval of two pieces of legislation for the plans for the economic development areas that would comprise of two TIF districts, North and Purdue, along the US 231 Corridor. He stated that we have been in front of the Redevelopment Commission (RDC) and they approved the declaratory resolution. We have also been in front of the APC which approved the plant for the areas. He said that there is a question as to why there is two TIF districts. He explained that when looking at the US 231 Corridor and the potential for redevelopment there, there are two very distinctly different types of ownership, or categories of ownership, in that commercial corridor. The North area is primarily held by private individuals and private development, while the Purdue area is primarily Purdue. When looking at the creation of this area and how to influence the type of development we would like to see along the Corridor, to make sure that it does not become and any-town USA

and remains the gateway into the western side of the City, we wanted to ensure that we have influence over what happens to the development along the Corridor. That is the reason to establish TIF districts. He stated that when looking at the type of properties owned in the two areas, with the two very distinct types of ownership it made sense to create two districts. One in the north to focus on the private development occurring there which may be a little quicker. The Meijer building went up quickly and that is the first development that will have an effect on the TIF district, as in creating some sort of increment. The focus on the Purdue and Purdue Research Foundation (PRF) type development in the Purdue area does not dilute the private sector's efforts on the north side; it forces Purdue to do a little more work on the southern side for development and be more of a player in that. He believes it was a good move to create two TIF districts.

Councilor Burch asked if the districts have an expiration date.

Director Poole responded that all TIF districts will have an expiration date according to Senate Bill 118. Regardless of when they are created, all TIF districts will expire in 2025. The three we currently have are legacy TIF districts and had no expiration when they are created; those will now expire in 2025, or if there are debt obligations within the district that will extend beyond 2025, the district will remain in place to pay off that debt. In response to a question from Mayor Dennis, Director Poole explained that after July 1, 2015, no new debt can be incurred.

Mayor Dennis asked what the philosophy is behind getting rid of TIFs.

Richard Starkey (Barnes & Thornburg LLP) responded that this is supposing there is logic in the legislation. He stated that all of this revolves around the City of Carmel. All of the legislation is in reaction to perceived, whether true or not, things that Carmel has done to exploit TIF. He clarified that on the expiration of the TIF, there is a quirky thing in the statute that applies to TIFs that are established today. It says that TIFs that are promulgated today expire 25 years after any obligations are incurred or debt payments are paid from that point on. So, if you do not issue any debt, the time period does not start tolling. Normally it is 25 years, but if you do not issue debt or have any kind of obligations associated with it, arguably it does not expire in 25 years.

Councilor Bunder asked if, for example, there would be five years to do State Street before we lose TIF money; is the clock running to do State Street redevelopment?

Director Poole responded that the clock is running on all TIFs if we do not have debt in them. If we incur debt before July 1, 2015, it runs until the end of that particular obligation.

Councilor Burch asked Clerk-Treasurer Rhodes how the entire City will benefit from these two TIFs.

Clerk-Treasurer Rhodes responded that West Lafayette is one of the cities that is being most affected by the circuit breaker caps. We are in the top tier in the State and certainly in this County. Other than our efforts for annexation, which will result in an increase in our levy due to the new assessed valuation brought into our City, our tax base has not grown. As a result, we are under increasing pressure to fund operations of the City. The City has been able to use the successful TIF districts we have established to be able to relieve pressure on our operating budget by funding capital items and support of capital infrastructure. The only other recourse we have would be user fees. The jump that will be seen in revenues from the annexation is a one-time deal because the area we are annexing is basically going to be all TIF'ed. The

development in those areas will result in increment, which will then be part of the options this Council will have when it considers how to fund both City operations and capital plans going forward. For the City of West Lafayette it is very important that we use this mechanism unless the Council would choose to rely even more on user fees. Current property tax caps are unusually harsh on a city like ours, which has a great deal of commercial residential and multi-family apartment-type assessed valuation. Clerk-Treasurer Rhodes asked Mr. Treat to address the role of TIFs in promoting development; that is the second part. Except for the increment produced by these districts that would not be able to promote development as effectively, once again because the impact of changes in property tax legislation has been to nearly strangle a city like West Lafayette that does not have a GE plant locating here. That is a huge difference between West Lafayette and Lafayette.

Mr. Treat stated that if there is development in this area, it is the main tool the City has to be able to help entice companies, appropriate operations, to come in when there are infrastructure requirements and sewer utility extensions. Those things are expensive and it cannot all be done with the budget we have, so there is definitely a benefit there. Also, it does not take away any tax base that currently the City or the other overlapping units are relying on. These are things that, if we did not have this tool of tax increment to capture and utilize, then we more than likely would not be seeing this development; at least not as quickly as it may come with the tax increment tool.

Councilor VanBogaert asked if Mr. Treat is saying that we are able to collect and utilize revenue through tax increment financing that we would not have the benefit of because of the effect of the circuit breaker. Which is to say that creating the TIF does not crowd out the collection of revenue that would exist otherwise—if we did not create the TIF it is not like the money would go into the General Fund.

Clerk-Treasurer Rhodes responded no, and in fact according to current State laws we would not see revenue to the City, with one exception. That exception would be the revenue that our Cumulative Capital Development Fund might collect that has a flat tax rate if the Council chose to keep it at a flat level. Otherwise, there is not new revenue to the City. It would have a moderating effect on the tax rate, but in a city like West Lafayette it would be very small. And the inexorable pressure from the circuit breaker, which is approaching not quite 10% of our levy. But in the operating funds of the City we are approaching that million-dollar mark—that is huge for West Lafayette.

Mr. Treat stated that the leverage that the City gets from the TIF areas, that when developed, creates incremental value. The RDC is not just collecting the City tax rate of 80-some cents; you are collecting the total tax rate, other than the school referendums. The total rate is what the City has to work with, so it is substantially more resources for the City directly. Although it does not go directly to the General Fund is it certainly a major resource to the City because of the way TIF works.

Mayor Dennis agreed.

Clerk-Treasurer Rhodes stated that it is the source that is funding a great deal of the capital infrastructure of the City as well as capital equipment. She looks to the TIF districts for funding of a new fire truck, for example.

Councilor Burch asked Director Poole to explain again that when we have the new TIF and we have debt, and then if we pay it off before the 25 years then what happens to the TIF. If there is no debt in it, does it disappear?

Director Poole responded that if there is no debt in the new one, then the 25-year clock does not start. It is 25 years from when we incur an obligation or debt. If we pay it off before the 25 years, then it all collapses.

Councilor Bunder stated that the southern [Purdue] TIF is obviously a little trickier than the northern TIF. He asked how it works with an entity that does not pay taxes, and how we capture the monies that we would usually capture if it is starting from zero.

Director Poole responded that a lot of the development along the US 231 corridor, down in the southern TIF, at the interchange of State Street and US 231 and going into the Purdue campus area, will be PRF-type of development, much like the research park where there is a taxable component. There will be some development in there that will be academic, and that will remain tax exempt. There will also be some mixed-use developments in there as well that has both an academic and a commercial component, so the pro-rata share of that building would pay taxes.

Councilor Hunt asked about the potential for the PRF building and if the nanotech is not PRF.

Director Poole responded that it depends on what they want to build. If they want to build lab space like in the Research Park and lease it to third parties than it would become taxable. If PRF was to build a building that houses nothing but academic/University function we would not see it.

Councilor Dietrich asked if, for that project, they would be able to draw from the TIF monies. He explained his concern is the Wang Hall episode where we thought we were bringing in x-number of thousands of square feet of commercial space that collapsed and is now going to be University space. He stated he is okay with the University saying that this is Purdue property and will do what they want with the corner, but they should not be able to pull from the TIF to build that as a non-taxable building.

Director Poole stated that this is correct and he does not believe Purdue will come to us looking for TIF money unless it made sense to do infrastructure that would serve a larger development area, such as sewer pipes for a mixed-use building next to an academic building.

City Attorney Burns stated that it should be taken into account that, to look at the simplest situation, if there is one academic building and it is the only thing there, then there is no increment. There is nothing to spend and nothing to bond against. It is a question of pro-rata. There would have to be a backup of some sort in a TIF district that was going to be academic or could go to academic.

Mr. Starkey stated that in some instances where a nonprofit owns a building and a for-profit that occupies part of it where there is some increment, then it can be put into an agreement to have a payment in lieu of taxes (PILOT). So, if it goes completely back to nonprofit there is a PILOT that kicks in so that nonprofit makes that payment.

Councilor Dietrich stated that he liked that idea.

Councilor Keen asked if that PILOT in that situation would not be voluntary.

Mr. Starkey responded that it would be part of the negotiations in order to use the TIF.

Zachary Baiel (124 Connolly Street) stated that he is in support of a lot of aspects of this TIF district. In looking over a lot of the project details and some of the objectives, it sounds like some people have concerns. He stated that he finds the student housing component that is being encouraged in this particular one to be disappointing due to the fact that we have hundreds of new bedrooms coming online in various development stages. There is an underutilized area of land near campus already in the Chauncey area, south of the new downtown of West Lafayette. He stated that we should encourage mixed-use greater development scaling there before polluting this brand new open canvas of land with student housing. He referenced the Student Rental Unit Report and Survey done by the APC in saying that the Purdue population has hit a high mark in 2008-2009 at 40,090 students. Last year for 2012-2013 we were at 39,256 students. The vacancy rate is about 1.4% in West Lafayette and 7% in Lafayette, and closer to campus it fluctuates below and above 1% but has been stable for approximately five years. He noted that the report could not confirm vacant bedrooms within occupied units. Mr. Baiel stated that he likes the other aspects—the commercial interests, the research and lab facilities, airport facilities, and commercial development complex. However, he encourages avoiding developing development similar to a strip mall such as along US 52 or as Lafayette has done along the Veterans Memorial Parkway.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 02-14 passed on first and only reading.

Resolution No. 03-14 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana Approving Certain Matters In Connection With The Formation Of A Certain Economic Development Area (West Lafayette 231 North Economic Development Plan) (Sponsored by Mayor John R. Dennis)

Mayor Dennis read Resolution No. 03-14 by title only.

Councilor Keen moved for passage of Resolution No. 03-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Burch asked how the new law for TIFs affects the RDC and how it would operate.

Director Poole responded that the biggest change that will take place because of the new legislation is that if there is an obligation of more than three years or more than \$5 million, and

then it has to come in front of the legislative body for approval. There is also a discussion about the spending plan that will be created. So, there is a little more oversight by Council because of the legislation, but they will continue to operate as they have.

Mr. Starkey stated that in the past on July 15 the RDC has had to make a determination of whether they have excess TIF revenue that they would pass through to the other taxing units. There was a modification of the law that says that now the RDC has to make a determination now if they have more than 200% of TIF revenues that are not obligated, either through debt or through their plan, then they have to bring it to the Council to determine how much to pass through. The Council can modify the RDC's determination at that point.

Clerk-Treasurer Rhodes explained that this would not apply because the plans are such that the available uncommitted funds in those districts are relatively low.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 03-14 passed on first and only reading.

Councilor Hunt stated that she has heard that people are concerned that there are people spending money in the TIF that are not elected. She thought there was a good check-and-balance on that due to the fact that they are reappointed every year. She asked if part of the impetus of this is to have more control by elected officials.

Mr. Starkey responded absolutely. He explained that Carmel put together a plan where the RDC was spending money even after the statute was changed to require Council approval for bonds, they were spending money through what are called certificates of participation, which are not technically debt or obligations under the statute. There was then a huge push from legislators to corral them, and that is part of what this legislation does to make sure it goes back through the Council.

Resolution No. 04-14 A Resolution Appropriating Insurance Recovery Received For Damage To City Property – Police (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 04-14 by title only.

Councilor Keen moved for passage of Resolution No. 04-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

COMMON COUNCIL MEETING MINUTES, April 7, 2014, CONTINUED

Clerk-Treasurer Rhodes explained that this is an appropriation of insurance recovery for damage to a Police vehicle.

Councilor Burch asked if it is a new vehicle that needs repairs.

Clerk-Treasurer Rhodes responded that it was a 2010 Jeep Grand Cherokee.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 04-14 passed on first and only reading.

Resolution No. 05-14 A Resolution Requesting The Transfer Of Funds – IT (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 05-14 by title only.

Councilor Keen moved for passage of Resolution No. 05-14 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this is a transfer of funds requested by the IT Department in the Cumulative Capital Development Fund to adjust the budget based on our new classifications and the need to have money in the correct appropriations.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 05-14 passed on first and only reading.

COMMUNICATIONS

► Councilor Hunt stated that it has now been eight months since Faith West opened its doors for occupancy, and she asked what the process is for when the assessment will occur.

Clerk-Treasurer Rhodes responded that she believes there should have been a filing since they have passed a reporting period. It goes through the County Assessor and then the Property Tax Assessment Board of Appeals (PTABOA).

City Attorney Burns stated that he will look more into that and email the information to the Council members.

► Councilor Thomas stated that a business owner in the Pay Less plaza has been in communication with him, and that owner has concerns about signage for her business. He asked if there is an update on a timeline for a revised signage ordinance. He explained for Mayor Dennis that the business has had someone standing outside, and the Police Department has been involved in conversations.

Public Works Director Buck stated that his office has been working with the Noble Roman's owner. As part of that planned development they are allowed a certain square footage of permanent signage on their space. He believes they requested additional signage in the right of way by means of a person holding a sign and seeing some competition doing that. It is something we are working with the Police Department on curtailing as it is not legal.

Councilor Dietrich and Mayor Dennis discussed the effectiveness of such signs.

Councilor Burch asked if she heard correctly that someone standing there holding a sign is illegal.

Mayor Dennis stated that it is illegal.

City Attorney Burns explained that it is just another sign.

► Councilor Hunt stated that the West Lafayette Bar Coalition is a very cooperative group that works on promoting safety and communication within our community. There are a lot of efforts to make the Grand Prix a safer event while being fun, so there are several meetings in the weeks before the Grand Prix to promote this. She reported details for some of these meetings and stated that she wanted people to be aware of these efforts.

CITIZEN COMMENTS

► Thomas Kesler (479 Maple Street) expressed his appreciation to the Street Department for removing the latest pile of concrete and stated he has started on the next pile. He is looking forward to the rehabilitation and beautification of the Salisbury and Navajo Streets area. He reported that last Saturday was the Boiler Blast and New Chauncey Clean Sweep, and his effort involved removing leaves from street gutters on Maple Street with the help of two students. He noted that there are more leaves on Dehart Street and some neighbors do not understand the leaf collection schedule. He stated that much clean-up remains in New Chauncey. He reported that he has seen a camp fire near his home and the remains of a fire pit that was not enclosed. Mr. Kesler stated that, speaking of signs that are allowed or not allowed, he saw an

advertisement for a pizza deal that he does not believe belonged along the trail that he was walking on.

► Mr. Baiel stated that he is was excited to learn that he can be notified by email if there is a Combined Sewer Overflow (CSO) event occurs in the City. He stated that he has been talking to some people in the area in anticipation of the State Street redevelopment in getting the trolley to extend its hours, as the timing does not allow people to use it to return after dinner, and City Bus has stated that money is the main blockage on that.

Mayor Dennis stated that he has asked a couple of people to serve on that and get input about changing that.

Mr. Baiel noted that it would be nice because it runs quicker than the regular bus system which encourages people to use it. He then spoke about the signage issue, saying that it is that time of year of politics, but this year there has been an increased visual assault with a lot of violations as he reads the UZO. He stated that he found an interesting quote regarding the visual content of an area, in particular regarding visual pollution and how it affects quality of life. This quote, regarding visual space, is from Mayor Dennis. He quoted, "Our community consists of many things, safety, security, sustainability, growth, and high quality of life. Central to a high quality of life is public art. Time and time again a community's spirit is judged by the visual. Public art captures the spirit and personality of a community and makes it more attractive to residents, visitors, and those interested in assisting in the community's growth with investment." Mr. Baiel stated that if we did not care so much about our visual environment we would not go through such efforts as having the public art committee or the mural art initiative and our neighbor city would not do the same. Likewise, if we did not find value regarding our mutual land in a multitude of ways, we would not devise systems like the Unified Zoning Ordinance or Chapter 65 of the City code of nuisances and miscellaneous, particularly unlawful noises. He stated that he looks at this aspect of the billboard signs, which are in and around neighborhoods zoned R1 and R2 as unlawful noises that are detrimentally impacting the quality of life and spirit of the community for the residents, visitors, and those interested in possibly investing. In particular, he asked that when looking at the Ordinance 65.01, if someone is exercising free speech, is it not regulated by decibels, For instance, it is unlawful for any person to make a noise which disturbs the peace of any other person in public or any other property. So, if someone is giving a political speech amplified by large PA system that disrupted the peace of another person in public, they would asked to not be so loud; not that they could not talk, not that they could not say those things, but that they are breaking the noise ordinance. He stated that these political billboards that have been placed in New Chauncey and other neighborhoods, which are in clear violation as free-standing signs—they are not specifically listed as political signs in the UZO, so should be looked at by their utility of free-standing—are too loud for the R1 and R2 zoning areas.

Councilor VanBogaert stated that to clarify, in addition to what is in the code and the law that is spelled out there is also an entire body of case law. There is not always consistency, but it is a separate element on that. He stated that he would talk more to Mr. Baiel directly on that.

Mr. Baiel stated that if that is the City's tone and tenor to not regulate the loudness of political speech, then we will have a fun political season ahead of us. The signage keeps getting greater and greater. We had the banana house sign kick us off down this route. It is good that it is being addressed by the Ordinance Committee at APC and there are good conversations happening. He stated that as far as other projects, he learned about the 311 service which is a way for citizens to report on smaller issues such as debris in roadway or illegal burning. There

is Open311 software which Bloomington is using, and he will provide documentation about that. Regarding the State Street Master Plan, Mr. Baiel encouraged the Council to make sure that there is that overlay component inside the plan that was talked about at the last public meeting. He stated that he helped organize the Clean Sweep component of the Boiler Blast and they helped pick up over 20 bags of garbage in the neighborhood, and he thanked the Street Department for allowing those bags to be dropped off. He stated that he is working with IT Network Administrator Newman and others to get the content on the City's website updated more regularly and make it more accessible for the City.

Councilor Hunt stated that Boiler Blast came to her neighborhood and she appreciates how helpful they were.

► Jan Myers (1909 Indian Trail Drive) expressed her appreciation to the first responders that helped her after her 911 call this morning. They were Fire Lieutenant John Irr, Sergeant Jeff Need, and Firefighter Eric Doyle. She stated that to give an idea of how important the emergency people are, as a quadriplegic it means that the body does not do the activities of daily living by itself. She explained that this means that everything that she does from the moment she gets out of bed in the morning until the moment she goes back to bed in the evening, she needs someone attending except for when she is out on the sidewalks. Ms. Myers shared that April is Fair Housing month, and she is bringing that to the Council's attention because of the idea of what the community does to welcome visitors. Because we have the New Chauncey Neighborhood Plan that gets some funds from the City, she wants the Council to be aware that a house needs to be built to have accessible entrances. She stated that she follows the lawsuits through the Department of Justice, and she would gladly talk to the New Chauncey housing people before they get the taxpayers sued over issues such as she observed at one house in the neighborhood. Ms. Myers stated that regarding the tree planting along US 231, she would be interested in learning more about what varieties are to be planted. Regarding the signage issue, Ms. Myers stated that she has seen some that are tied in between trees and asked if she should call the Police when the wind makes it unsafe for her to go down the sidewalk due to those signs.

Mayor Dennis noted the Police Chief Dombkowski raised his hand.

Ms. Myers stated that she had a question from the public meetings that took place before the annexation where people asked questions that were to be answered later. She stated that she never got an answer to the question she asked regarding how the area on the northeast corner of Lindberg and McCormick Roads did not become a part of the City.

Mayor Dennis responded that the short answer is that it is the law.

Councilor VanBogaert stated that it was covered at one meeting. Because of the narrowness, we have to get that area with a second pass.

Mayor Dennis explained that it is a law that exists that prevents cities from using a road as a conduit to annex.

Councilor VanBogaert stated that it had to do with the geography of the existing map because there was a fishhook that made too narrow of a space that connected Willowbrook West with the annexed territory to the west of it. It was too narrow between the two parts of the existing City map, so we got hamstrung by a State law that is meant to protect against other activities.

Ms. Myers stated that she asked because we are not putting proper shoulders on the sidewalks, and a chair can fall off of it, and she cannot get back on it. If she is at that corner, she is concerned about who would respond to a 911 call from that location.

Mayor Dennis stated that the jurisdiction is not that tightly governed.

► Councilor Thomas stated that he would like to give a shout out to Street Commissioner Downey as two people from Boiler Blast upgraded his front yard. He has an old oak tree that loses leaves late in the season and they took care of that, and the Street Department crew picked them up.

► Councilor Dietrich expressed condolences to Dick Bossung, a member of this Council for a number of years, on the passing of his wife, Joan.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:16 p.m.